

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03 MDL 1570 (RCC)
ECF Case

-----X
ESTATE OF JOHN P. O'NEILL SR., *et al.*

04 CV 1923 (RCC)
ECF Case

Plaintiffs,

v.

AL BARAKA INVESTMENT & DEVELOPMENT
CORP., *et al.*,

Defendants.

**NOTICE OF MOTION TO DISMISS OF DEFENDANT
FAISAL ISLAMIC BANK—SUDAN**

Please take notice that Defendant Faisal Islamic Bank—Sudan (“FIBS”), through its attorneys, moves this Court before the Honorable Richard Conway Casey, United States District Judge, at the United States District Court, Southern District of New York, 500 Pearl Street, Room 1950, New York, N.Y. 10007, at a date and time to be determined by the Court, for an order dismissing plaintiffs’ complaint under Rules 12 (b)(1), 12(b)(2), and 12(b)(6) of the Federal Rules of Civil Procedure on the grounds that plaintiffs: (1) have failed to provide a “short and plain” statement of facts entitling them to relief; (2) have failed to establish that the Court has personal jurisdiction over FIBS; and (3) have failed to state a claim against FIBS upon which relief can be granted. A memorandum of law in support of this motion has been filed with the Court and is incorporated herein.

Dated: New York, New York
April 27, 2005

Respectfully Submitted,

JOHN F. LAURO, P.A.

By: _____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of April, 2005, the forgoing Notice of Motion to Dismiss of Defendant Faisal Islamic Bank-Sudan was filed electronically through the Court's ECF/PACER system and was electronically served to opposing counsel pursuant to Court rules. A copy of the forgoing was also sent by U.S. mail to plaintiffs' primary counsel.

_____/s/_____
John F. Lauro, Esquire